

EXHIBIT F

EXHIBIT 53

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
) Case No.
vs.) 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
)
_____)

VIDEOTAPED DEPOSITION OF KEVIN JEFFAY, Ph.D.
San Francisco, California
Tuesday, June 21, 2016
Volume I

*** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2334018
Pages 1 - 212

Page 1

1 responses? 09:21:12

2 A No.

3 Q Did you do any work with respect to the

4 IPR on the '526 patent?

5 A No. 09:21:19

6 Q How many hours would you say you put into

7 your opening expert report?

8 A I could just give you a guess. If I

9 previously said 150, probably 100 went into the

10 opening report. 09:21:51

11 Q And that was the report that was submitted

12 a little over two weeks ago, about two and a half

13 weeks ago?

14 A Correct.

15 Q Did you review that report carefully 09:21:58

16 before you signed it?

17 A Yes.

18 Q And would you say, basically, the

19 remainder of the 150 hours, roughly 50 hours, was

20 spent on the rebuttal expert report? 09:22:10

21 A Sure.

22 Q And that was the report that was submitted

23 a few days ago, last Friday?

24 A Correct.

25 Q Did you review that report carefully 09:22:23

Page 16

1 before you signed it? 09:22:25

2 A I did.

3 Q How much time have you spent reviewing

4 Arista's source code for this matter?

5 A Well, I was here for three days, and 09:22:37

6 that's the bulk of it.

7 Q Other than that three days of review when
8 you were here looking at source code, do you have
9 any other basis for being familiar with Arista's
10 source code, for instance, from work done in other 09:22:54
11 contexts?

12 A No. No.

13 Q How much time did you spend preparing for
14 this deposition?

15 A I spent a little bit of time on Sunday and 09:23:07
16 all day yesterday.

17 Q Yesterday, I take it you met with counsel
18 to prepare for your deposition.

19 A That's correct.

20 Q And how long did you spend? 09:23:19

21 A We spent the entire day.

22 Q Okay. Now, in this case we had a
23 relatively short two-week period to take
24 depositions, and counsel for Cisco indicated that
25 today would be the best day to take the deposition 09:23:34

Page 17

1 for purposes of your schedule; is that correct? 09:23:37

2 A That's correct. And I appreciate your
3 accommodation.

4 Q Okay. Let's take a look at Exhibit 1369,
5 which should be already marked in front of you. 09:23:50

6 And I'll just state for the record that
7 this is a copy of your rebuttal expert report
8 without the exhibit. And I understand the exhibit
9 was the PTAB decision relating to the IPR. So
10 that's not included in this exhibit. 09:24:07

11 Have I, as best as you can tell,
12 accurately described Exhibit 1369?

13 A I think you have.

14 MR. JAFFE: I'll just object. As I noted,
15 Counsel, before we started, lacking the exhibit, 09:24:21
16 it's not a complete copy of his rebuttal expert
17 report.

18 BY MR. KRISHNAN:

19 Q I'd like to turn your attention to
20 page 18, paragraph 49. 09:24:37

21 A Okay.

22 Q Before I do that, let me ask you one other
23 question, which is that, I noticed that there are
24 several paragraphs in your report going from pages 6
25 through 16 where you discuss claim construction and 09:24:56

Page 18

1 mechanically determine what was or wasn't a generic 13:07:21
2 command, my guess is none of us would be here today.
3 BY MR. KRISHNAN:
4 Q You had a discussion in your expert report
5 of the context.state variable. I'm wondering how, 13:08:11
6 if at all, the context.state variable plays into
7 your analysis of whether particular elements of the
8 command parse tree meet the requirements of
9 having -- or specifying generic command components
10 and command action values. 13:08:39
11 MR. JAFFE: Objection. Vague.
12 THE WITNESS: I'm missing the question.
13 BY MR. KRISHNAN:
14 Q Can we turn to page 53 and 54 of your
15 report, paragraph 154? 13:10:19
16 A 53 and 54, paragraph 154, you said?
17 Q Yes.
18 A Okay.
19 Q Now, we're at the discussion of the
20 limitation requiring that each element specify at 13:10:31
21 least one corresponding generic command component
22 and a corresponding at least one command action
23 value, correct?
24 A Correct.
25 Q I'm wondering how this discussion in 13:10:43

Page 112

1 paragraph 154 of the context.state variable, how 13:10:45
2 that contributes to your conclusion that that
3 limitation is met.

4 A What 154 is describing is a variable that
5 exists in US that at runtime is populated for each 13:11:40
6 element of the tree to contain the list of possible
7 subrules that may still be a match.

8 And that in this list of subrules, it
9 contains, among other things -- because it contains
10 these subrules that may still match, each of these 13:12:10
11 subrules is going to contain a command -- a command
12 action value.

13 Q Okay. Does the -- so, for instance, if
14 we're looking at Exhibit 1374, does each element of
15 the tree you've depicted there have a context.state 13:12:29
16 variable, or is there a context.state variable
17 for -- a single one for all of the elements?

18 A No, it's the former.

19 Q There's a different context.state variable
20 for each of the elements? 13:12:45

21 A Yes.

22 Q Does the context.state -- sorry. Scratch
23 that.

24 Does the top-level OrRule contain a
25 context.state variable? 13:12:57

13:12:59

13:13:15

13:13:32

13:13:47

13:14:06

13:14:35

Page 114